

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

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**THE TRUSTEES OF THE MINNESOTA  
CEMENT MASONS AND PLASTERERS  
FRINGE BENEFITS FUNDS,**

Civil No. 03-6143 (JNE/JGL)

Plaintiffs,

v.

**O R D E R**

**M.L. JOHNSON CONCRETE, INC. and  
MARLON L. JOHNSON,**

Defendants.

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**APPEARANCES**

Stephen C. Kelly, Esq. on behalf of Plaintiffs

Steven C. Opheim, Esq. on behalf of Defendants

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Based upon the Report and Recommendation by Chief United States Magistrate Judge Jonathan Lebedoff dated July 5, 2005; all the files, records, and proceedings herein; and no objections having been filed to that Report and Recommendation;

**IT IS HEREBY ORDERED:**

- (1) Plaintiffs' Motion for an Order to Show Cause (Doc. No. 10) is **GRANTED**;
- (2) The Clerk's Office is directed to enter default against Defendants M.L. Johnson

Concrete, Inc. and Marlon L. Johnson; and

(3) Judgment by default is entered in the amount of \$86,578.85.

**LET JUDGMENT BE ENTERED ACCORDINGLY**

Dated: July 28, 2005

s/ Joan N. Ericksen  
JOAN N. ERICKSEN  
United States District Court